

Message Text

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ACTION SCS-05

INFO OCT-01 ISO-00 ARA-14 L-03 H-02 DHA-02 /027 W
-----000095 300125Z /65

R 292121Z JUN 77
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC 2559

UNCLAS PANAMA 4685

FOR SCS

EO 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

IN ANSWER TO THREE QUESTIONS RAISED IN REFTEL:

A. YES

B. IN PANAMA CITY THERE ARE ONLY TWO PUBLIC DEFENDERS, ONE
MALE, ONE FEMALE, WHO ARE SWAMPED WITH CASES

C. EACH CASE PASSES THROUGH TWO PHASES (1) AN INVESTIGATIVE
PHASE CONDUCTED BY THE PROSECUTING ATTORNEY'S OFFICE AND
(2) A TRIAL PHASE WHEN THE CASE IS BEFORE A COURT. AS THE
PROSECUTING ATTORNEY'S OFFICE DRAWS UP THE PRECISE STATEMENT
OF CHARGES TO BE DIRECTED AGAINST THE ACCUSED, TIMELY AND
PERSUASIVE ARGUMENTATION BY A DEFENSE ATTORNEY AT THIS STAGE
OFTEN RESULTS IN INITIAL CHARGES BEING REDUCED. FOR EXAMPLE,
A LARGE NUMBER OF CASES THAT BEGAN WITH A CHARGE OF TRAFFICKING
IN DRUGS WERE FINALLY PRESENTED TO THE COURT WITH THE CHARGE
REDUCED TO POSSESSION OF DRUGS. THE FORMER CARRIES A SENTENCE
IF CONVICTED OF FIVE YEARS; THE LATTER, EIGHT MONTHS. ONLY
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WHEN THE CASE IS CALLED TO TRIAL DOES THE JUDGE ASCERTAIN
WHETHER THE ACCUSED HAS FUNDS FOR AN ATTORNEY, AND IF NOT,
IS A PUBLIC DEFENDER NAMED. AT THIS POINT THERE IS LITTLE OR
NO ROOM FOR MANEUVERING. MOREOVER, AS THERE ARE ONLY TWO PUBLIC
DEFENDERS IN PANAMA CITY, EACH OF WHOM ALSO MAINTAINS A
PRIVATE PRACTICE, THERE CAN BE LITTLE PERSONAL ATTENTION GIVEN
TO CASES THAT COME VIA THE PUBLIC DEFENDERS ROUTE. THE ABOVE

STRONGLY SUGGESTS THAT AN ARRESTEE OBTAIN PRIVATE COUNSEL
IF AT ALL POSSIBLE.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Jun-1977 12:00:00 am
Decapton Date: 01-Jan-1960 12:00:00 am
Decapton Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PANAMA04685
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770233-0077
Format: TEL
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977067/aaaaafxg.tel
Line Count: 66
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7d31667f-c288-dd11-92da-001cc4696bcc
Office: ACTION SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 147704
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2200520
Secure: OPEN
Status: NATIVE
Subject: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED ABROAD
TAGS: CARR
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/7d31667f-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009